

Reply Brief  
U.S. S/N 09/585,263  
Page 1 of 3

**RECEIVED**  
**CENTRAL FAX CENTER**

**AUG 09 2007**

PATENT  
Atty. Dkt. No. SEDN/070CIP4

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of: Gordon, et al.

Serial No.: 09/585,263

Confirmation No.: 5643

Filed: June 2, 2000

For: CHANNEL INFORMATION  
WINDOW VIA SERVER-CENTRIC  
INTERACTIVE USER INTERFACE

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

Case Number: SEDN/070CIP4

Group Art Unit: 2623

Examiner: Saltarelli, Dominic D.

MAIL STOP - Appeal Brief-Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

<b>CERTIFICATE OF MAILING OR TRANSMISSION</b>	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or being facsimile transmitted to the USPTO, on the date indicated below.	
8-9-07	<i>C. Wilson</i>
Date	<i>C. Wilson</i>

Dear Sir or Madam:

**REPLY BRIEF**

Appellants submit this Reply Brief to the Board of Patent Appeals and Interferences in response to the Examiner's Answer dated June 11, 2007 in the Appeal of the above-identified application.

The Commissioner is authorized to charge any fees due, including extension of time and excess claim fees, to counsel's Deposit Account No. 20-0782/SEDN/070CIP4.

596591

Reply Brief  
U.S. S/N 09/585,263  
Page 2 of 3

### REMARKS

In Section 10 of The Examiner's Answer (Response to Arguments), the Examiner attempts to provide additional reasoning to support his decision of anticipation with respect to the claims on appeal. Despite the Examiner's answers, Appellants still uphold that the rejection of claims 1, 2, 5 and 8 as being unpatentable under 35 U.S.C. §102 and claims 7, 9, 10, 13 and 14 under 35 U.S.C. § 103 are improper.

First, the Examiner quotes Ellis column 6, lines 28-34. Notably, the Examiner's citation of Ellis further supports the Appellants' arguments that Ellis fails to teach or suggest encoding, at the headend, the bitmap for the channel information window and transmitting, from the headend to the set top terminal, the channel information window. A careful word by word examination of the passage cited by the Examiner reveals that the cited passage is silent as to where the "downloaded" data types are downloaded from.

In addition, the Examiner erroneously alleges that Ellis column 5, lines 45-51, cited by the Appellants, supports the Examiner's proposition that Ellis teaches that bit map data originates from the head end. Specifically, the relevant portion of Ellis recites:

"In the case where an EEPROM is utilized, revised or replacement versions of the application software downloaded from the developer are first stored in DRAM 18 by the microcontroller 16, under direction of the downloading operating software stored in the ROM 17. The stored application software can then be checked for accuracy by, for example, a checksum analysis or other verification routine." (Emphasis added).

Notably, the memory devices referred to in the above cited passage are located at the set top terminal. (See Ellis, FIG. 1). Set top terminals may be developed by those other than the cable headend operator. As is the case, the developer of the set top terminal may download data into the set top terminal's memory during manufacture of the set top terminal so that the set top terminal is compatible with the cable head end.

Consequently, this very plausible interpretation supports the Appellants' argument that the Examiner is erroneously assuming "downloaded data" is downloaded from a headend without explicit support in Ellis.

596591

Reply Brief  
U.S. S/N 09/585,263  
Page 3 of 3

Furthermore, the Examiner cites Ellis column 5, lines 11-16 in an attempt to further find support that Ellis teaches downloading bit map data from the head end. Notably, this section only states that "program schedule data" and "application software" is transmitted. In contrast, the Appellants' claims specifically recite transmitting channel information windows and not simply "data" or "application software" as taught by Ellis. (See Ellis, col. 5, ll. 9-10).

In summary, the Appellants maintain that Ellis does not anticipate Appellants' claims 1, 2, 5 and 8. Furthermore, the additional prior art references cited by the Examiner fail to bridge the gap left by Ellis and therefore do not render obvious claims 7, 9, 10, 13 and 14. Therefore, the Appellants respectfully request the Examiner's rejection of claims 1, 2, 5 and 8 under 35 U.S.C. § 102 and claims 7, 9, 10, 13 and 14 under 35 U.S.C. § 103 be reversed.

#### CONCLUSION

Appellants respectfully request that the Board reverse the rejections and pass the claims to allowance.

Respectfully submitted,



---

Eamon J. Wall  
Registration No. 39,414  
Patterson & Sheridan, L.L.P.  
595 Shrewsbury Avenue, Suite 100  
Shrewsbury, New Jersey 07702  
Telephone: 732-530-9404  
Telephone: 732-530-9808